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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,067

01/28/2004

Sunil K. Gupte

74285

2255

27377

7590

04/20/2006

MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA-FOURTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604

EXAMINER

BLOUNT, ERIC

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/766,067	Applicant(s) GUPTA ET AL.	
	Examiner Eric M. Blount	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-19 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/28/04 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The negative limitation “wherein said intrusion indicator is activated without simultaneously initiating an activation of a vehicle alarm system on said vehicle” is not supported by the original specification. The specification discloses (page 6, lines 12-15), “Other precautionary actions may be to activate an audible anti-theft system (e.g., alarm or horn) on the vehicle, if not already activated, or seek help from a local law enforcement, security or parking lot attendants.” There is no mention of an intrusion indicator being activated without simultaneously initiating an activation of a vehicle alarm system. Thus, the newly claimed subject matter is considered new matter.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick [US 5,379,747] in view of Teowee et al [US 6,762, 676 B2].

Regarding **claim 1**, Flick discloses a vehicle security system (Figure 1) for a vehicle comprising a monitoring device (column 4, lines 35-45) for sensing the presence of a body within the vehicle, a transmitter (18) in the vehicle for broadcasting an intrusion signal exterior to the vehicle in response to the monitoring device sensing the presence of a body within the vehicle, and a remote vehicle interface (50) including a transmitter (57), receiver (58), and an intrusion indicator (54, 61, and 62). The receiver activates the intrusion indicator in response to the intrusion signal. See columns 2 and 3. Flick does not specifically disclose that a monitoring device is provided for sensing the presence of a body within the vehicle. However, in the Background of his invention, Flick states that it was known in the art at the time of the invention by the applicant for vehicle security systems to be equipment with monitoring devices for detecting the presence of a body within a vehicle (column 1, lines 12-25). Detecting movement within a vehicle using motion detecting and other sensors reasonably appear to meet the limitation set forth by the claim. Flick does not disclose that the intrusion indicator is activated without simultaneously initiating an activation of a vehicle alarm system on the vehicle.

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In an analogous art, Teowee discloses a vehicle security system for a vehicle comprising a monitoring device for sensing the presence of a body within the vehicle (column 3, lines 40-45). The invention teaches that an intrusion indicator is activated without simultaneously initiating an activation of a vehicle alarm system on the vehicle (column 13, line 50-column 14, line 15). Toewee teaches a system that is separate from the vehicle alarm system and thus does not need to be activated along with the vehicle alarm system.

Using the Background and the teachings of Flick, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to monitor various conditions surrounding a vehicle, including the presence of a body within the vehicle, and alert a vehicle owner or onlooker with an alarm. Further, it would have been obvious to one of ordinary skill to modify the invention of Flick to include a system for detecting the presence of a body within the vehicle which was separate from the vehicle alarm system, as taught by Toewee, because the modification would result in a more secure alarm system operable to alert a vehicle owner of a detected intrusion even when an alarm system had not been armed or vehicle doors had not been locked.

Regarding **claim 2**, the remote vehicle interface device comprises a remote keyless entry fob (Flick; Figure 2 and column 4, line 57-67).

As for **claims 3 and 4**, Flick discloses a remote indicator capable of providing an audible (61) or visual (54) signal.

As for **claim 8**, Flick shows that the monitoring device initiates the sensing for an occupant when at least one activation condition is met. It is inherent that when the system is

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armed, an illegal entry is detected. Toewee discloses that the monitoring device initiates sensing for an occupant when at least one activation condition is present (column 13, lines 50-63).

6. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick, in view of Toewee as applied to the claims above.

As for **claims 5 and 6**, Flick does not specifically disclose that the intrusion signal is a vibration signal or that the intrusion signal can be selected from a group. In an analogous art, Toewee discloses that the intrusion indicator may be an audible, vibration, or visual signal (column 14, lines 47-58 and column 13, line 64-column 14, line 15).

7. Claims 7, 10, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick, in view of Toewee as applied to the claims above, in view of Greene [U.S. Patent No. 6,107,914].

As for **claim 7**, while it was well known in the art, neither Flick nor Toewee disclose a manual alarm activation switch on the remote device. Greene discloses a manual alarm activation switch (132) on the remote vehicle interface device. The manual alarm activation broadcasts an alarm activation signal to activate audible anti-theft devices (column 9, line 6 – column 10, line 12). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that the contact switches taught by Flick and Toewee would be used to manually activate an alarm. This concept/action was well known in the art at the time of the invention by the applicant.

Regarding **claims 10 and 13**, the remote vehicle interface device of Greene activates a reset operation wherein the transmitter broadcasts a reset signal (130) to stop the vehicle

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transmitter from broadcasting an intrusion signal. The reset signal disarms the system and inherently stops the vehicle transmitter from broadcasting alarm signals. This teaching reasonably meets the limitations of the claims as written.

Regarding **claim 16**, each invention discloses a receiver for receiving an intrusion signal for indicating the presence of an occupant. It would have been obvious to one of ordinary skill in the art that a reset signal would be pressed in order to transmit a reset signal after a user observed the indication.

8. Claims 9 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Toewee in further view of Greene as applied to the claims above, and further in view of Attring et al [U.S. Patent No. 6,556,135 B2].

Regarding **claim 9**, neither Flick, Toewee, nor Greene specifically disclose that an activation condition comprises a vehicle locked condition. However, in an analogous art, Attring discloses that it was well known in the art at the time of the invention by applicant to arm and disarm an alarm system in response to the locking and unlocking of vehicle doors using a key fob (column 2, lines 9-21). It would have been obvious to one of ordinary skill in the art to modify the invention of Flick to include a vehicle locked condition as an activation signal because the use of the condition is conventional wisdom.

As for **claim 17**, the aforementioned inventions reasonably meet all of the limitations set forth by the claim. See the discussion of claims 1 and 9 above.

As for **claim 18**, Flick does not disclose activating an intrusion indicator from a remote device. Greene discloses that an intrusion indicator can be activated from a remote vehicle

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interface device for indicating an alarm condition (column 9, line 65 – column 10, line 13). It would have been obvious to one of ordinary skill in the art to modify the inventions of Flick, Toewee, and Attring to include the remote actuation functions taught by Greene because this feature would allow a user to test the security system. It would also allow the user to use the security system as a personal alarm system if the user was in danger. It was known in the art at the time of the invention by the applicant for key fobs to include panic buttons for actuating an alarm. The inclusion of a panic button on the key fob of any of the inventors would meet the claim limitation.

Regarding **claim 19**, Greene discloses that a fob user may reset the monitoring device to suspend sensing by pressing a button on the fob (Figure 2, column 10, lines 13-17). The resetting of the monitoring device temporarily suspends said sensing. Sensing is stopped until the vehicle security system is armed. Disabling the system will temporarily suspend sensing until the system is activated again, thus, the Greene reasonably appear to meet the limitations of the claim as written.

9. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Toewee, in further view of Greene as applied to the claims above, and further in view of Furukawa [U.S. Patent No. 6,243,022 B1].

Regarding **claims 14 and 15**, neither Flick, Toewee, nor Greene disclose a single button for performing reset operations. In an analogous art, Furukawa discloses that it was known in the art at the time of the invention by the applicant that combinations of key presses could be used for transmitting command signals with a key fob (column 3, lines 47-52). This is an



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obvious modification that can be viewed as a matter of design choice. The motivation to make this modification would be to increase the number of commands a user would be able to transmit using the fob.

*Allowable Subject Matter*

10. Claims 11, 12, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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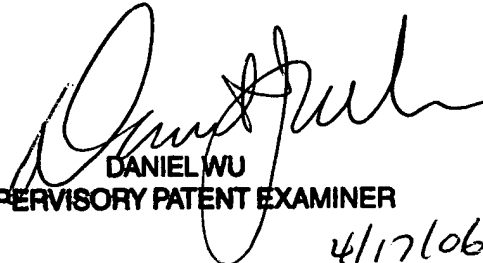
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount  
Examiner  
Art Unit 2636

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DANIEL WU  
SUPERVISORY PATENT EXAMINER  
4/17/06